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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR-09-00692 SBA
)	
Plaintiff,	)	STIPULATED REQUEST TO CONTINUE
	)	STATUS CONFERENCE AND TO
v.	)	EXCLUDE TIME UNDER THE SPEEDY
	)	TRIAL ACT
SU THANH BUI,)	
a/k/a "Nam Thanh Bui,"	)	Date: March 2, 2011
a/k/a "Su T. Bui,"	)	Time: 9:30 a.m.
a/k/a "Tuan A. Nguyen,"	)	Court: Hon. Donna M. Ryu
a/k/a "Tuan Anh Nguyen,")	
)	
Defendant.)	
)	
)	

The above-captioned matter is currently set on March 2, 2011 before this Court for status. However, the parties now jointly request that this Court continue the matter to April 4, 2011 at 9:30 a.m. for status and that the Court continue to exclude under the Speedy Trial Act between the date of this stipulation and April 4, 2011.

The parties had previously reached an agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, which had been previously submitted to the District Court. However, the parties require additional time to prepare the case for sentencing, including conducting additional investigation and research pertaining to loss calculation and restitution that

STIP. REQ. TO CONTINUE STATUS CONFERENCE
& TO SET FOR STATUS ON APRIL 4, 2011 & TO EXCLUDE TIME
No. CR 09-00692 SBA

1 have arisen after completion of the draft Pre-Sentence Report. The draft Pre-Sentence Report
2 contained conflicting Guideline calculation, which require the parties to conduct a re-analysis of
3 their loss and restitution calculations. Additionally, Defendant remains in state custody
4 following an alleged probation violation arising from alleged misconduct, which may be relevant
5 to the disposition of the current case. Counsel for Defendant and for the government need
6 additional time to investigate this new alleged offense conduct. Counsel for the government is
7 working closely with a new case agent to obtain the relevant records and provide them to the
8 defense, to the Probation Office, and to Pre-Trial Services. Accordingly, in order to allow the
9 parties additional time to prepare for the case, to conduct additional investigation and research
10 pertaining to restitution and loss calculations, the parties jointly request that this matter be
11 continued to April 4, 2011 at 9:30 a.m. for a status conference before the sitting Magistrate
12 Judge.

13 On that basis, the parties stipulate and agree that failing to exclude the time between
14 today's date and April 4, 2011 would unreasonably deny the defendant continuity of counsel and
15 would deny counsel the reasonable time necessary for effective preparation, taking into account
16 the exercise of due diligence, 18 U.S.C. § 3161(h)(7)(B)(iv), and that the ends of justice served
17 by excluding the time from computation under the Speedy Trial Act outweigh the best interests
18 of the public and the defendant in a speedy trial, 18 U.S.C. § 3161(h)(7)(A).

19
20 DATED: February 22, 2011

21 /s/

21 /s/

22 _____
23 WADE M. RHYNE
24 Assistant United States Attorney

22 _____
23 ELLEN LEONIDA
24 Counsel for the Defendant

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STIP. REQ. TO CONTINUE STATUS CONFERENCE
& TO SET FOR STATUS ON APRIL 4, 2011 & TO EXCLUDE TIME
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

11 UNITED STATES OF AMERICA,	)	No. CR-09-00692 SBA
)	
12 Plaintiff,	)	ORDER GRANTING STIPULATED
	)	REQUEST TO CONTINUE STATUS
13 v.	)	CONFERENCE AND TO EXCLUDE
	)	TIME UNDER THE SPEEDY TRIAL ACT
14 SU THANH BUI,)	
a/k/a "Nam Thanh Bui,"	)	Date: March 2, 2011
15 a/k/a "Su T. Bui,"	)	Time: 9:30 a.m.
a/k/a "Tuan A. Nguyen,"	)	Court: Hon. Donna M. Ryu
16 a/k/a "Tuan Anh Nguyen,")	
)	
17 Defendant.)	
)	
18)	

19 The parties jointly requested that the Court continue the March 2, 2011 status conference
20 to April 4, 2011 at 9:30 a.m. The parties further requested that time continue to be excluded
21 under the Speedy Trial Act between the date of this order and April 4, 2011 to allow the parties
22 to continue to prepare the case, to allow the parties to additional time to investigate and research
23 recently discovered issues related to restitution and loss calculations, and to allow the parties to
24 investigate recently alleged misconduct by Defendant.

25 **IT IS HEREBY ORDERED** that the March 2, 2011 status conference is continued to
26 April 4, 2011 at 9:30 a.m. before the sitting Magistrate Judge for a status hearing. Furthermore,
27 the Court finds that the time between the date of this order and April 4, 2011 is excluded under
28 the Speedy Trial Act, and that the ends of justice served by excluding the time between the date

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1 of this order and April 4, 2011 from computation under the Speedy Trial Act outweigh the best
2 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3 Therefore, **IT IS FURTHER ORDERED** that the time between the date of this order and April
4 4, 2011 shall be excluded from computation under the Speedy Trial Act pursuant to 18 U.S.C. §§
5 3161(h)(7)(A) and (h)(7)(B)(iv).

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8 DATED: 2/23/2011


HON. DONNA M. RYU
United States District Judge

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STIP. REQ. TO CONTINUE STATUS CONFERENCE
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